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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,524	12/09/2003	Kenji Hasegawa	542-012.004	3724
4955 7590 07/16/2007 WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN, BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468			EXAMINER VARGOT, MATHIEU D	
			ART UNIT 1732	PAPER NUMBER
			MAIL DATE 07/16/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/731,524

**Applicant(s)**

HASEGAWA ET AL.

**Examiner**

Mathieu D. Vargot

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) 5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese document 10-138,405 in view of Takeuchi et al (see paragraphs 18, 31, 34, 35 and 42), either alone, or further in view of Japanese Kokai 62-101,421.

In view of the amendment requiring that the measurement be done on 1,000 meters of wound film, Takeuchi et al has been additionally applied. Apparently, a 1,000 meter long film, when wound, is considered to be a lower limit for length of film, in that lengths shorter than this have low stress due to low weight from the other layers on top of them and do not have flatness deterioration seen in larger length wound films (see paragraph 18). It would be reasonable to assume from this disclosure that the instant length would have had a minimal effect on the hardness measured since the thickness of the wound film would be small. Remember, we are talking about micron-sized thicknesses of the film, so that a wound 1,000 meter long film may have very little thickness once wound up. So saying, it is submitted that a 1,000 meter long film wound on a **roll having the instant hardness** would be tested to have a **hardness that does not appreciably deviate from the hardness of the roll itself**. The additional paragraphs cited in Takeuchi et al show the state of the art concerning wound films and reinforce what is taught in the instant specification with regards to the exact core material and film laminates—the primary reference teaches a laminate. Compare paragraph 34 of

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Takeuchi et al with page 7, first full paragraph of the instant specification. Clearly, the material of the roll does not matter to any extent, and this should not be an issue.

Concerning the laminate, compare paragraph 31 of Takeuchi et al with instant page 12, first full paragraph. Japanese Kokai –421 continues to be applied for reasons of record, the reference teaching winding a PET film to the instant winding hardness wherein the winding provides a film with **high dimensional stability** and **maintains flatness**, characteristics clearly desired in the instant process and that of the primary reference. If the instant winding hardness such is not obvious from Japanese –405 and Takeuchi et al, then it is submitted it is obvious when these references are taken with Japanese –421. It has been argued that Japanese –421 is not applicable since it performs the winding on PET films. However, it should be noted that it is **not the film itself** that is being taken from Japanese –421, but rather the **teaching of the winding hardness**. It is recognized that the films are different. However, it has never been shown on record that the material of the film has any appreciable effect on the tested winding hardness, or more importantly, exactly what such effect would be. In truth, it could very well be a minimal effect. It is respectfully submitted that winding a film to the instant winding hardness would have been obvious from Japanese –421, **regardless of the material of the film**.

2.Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese document 10-138,405 in view of Takeuchi et al (see paragraphs 18, 31, 34, 35 and 42) and Japanese document P3075431, either alone, or further in view of

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Japanese Kokai 62-101,421 for reasons of record as set forth in paragraph 1, supra and paragraph 2 of the previous action.

3. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments have been essentially addressed in the rejection set forth supra. It is respectfully submitted that the instant claims are obvious over the prior art applied. Regardless of the film material, it has been shown that **winding a film to the instant wound hardness** provides a flat film with dimensional stability as shown in Japanese -421. While PVOH and PET films are clearly not the same, it has not been shown that a wound film hardness would necessarily be different for the films, nor exactly what such a difference would be. I.e., even if there is a difference, the difference may not vary enough so that the instant hardness is not met. The office does not have the ability to test the films, and hence any arguments directed to this aspect—i.e., the combination of Japanese -421 with Japanese -405—are moot and amount to no more than conjecture either way. However, if the prior art teaches winding **one** plastic film to the instant winding hardness, it would be reasonable to assume that such would have been an advantageous step with **another** plastic film.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mathieu D. Vargot whose telephone number is 571 272-1211. The examiner can normally be reached on Mon-Fri from 9 to 6.

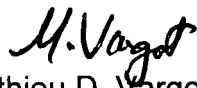
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson, can be reached on 571 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Vargot  
July 10, 2007

  
Mathieu D. Vargot  
Primary Examiner  
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7/10/07